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APPENDIX I

CITIZENSHIP

REQUIREMENTS

1. Only United States citizens are eligible for a security clearance, assignment to sensitive duties or access to classified information. When compelling reasons exist, in furtherance of the DON mission, including special expertise, a non-U.S. citizen may be assigned to sensitive duties (see chapter 5) or granted a Limited Access Authorization (see chapter 9) under special procedures.

2. When this instruction refers to U.S. citizens, it makes no distinction between those who are U.S. citizens by birth, those who are U.S. nationals, those who have derived U.S. citizenship or those who acquired it through naturalization. For the purpose of issuance of a security clearance, citizens of the Federated States of Micronesia (FSM) and the Republic of the Marshall Islands are considered U.S. citizens.

VERIFICATION OF U.S. CITIZENSHIP

1. First time candidates and candidates for clearance at a higher level than currently held must have their U.S. citizenship status verified before security processing begins. U.S. citizens who hold a current valid security clearance, issued by the DON CAF do not have to submit evidence of citizenship to retain clearance at or below the same level.

2. Navy and Marine Corps officers are required to submit proof of U.S. citizenship before commissioning. Unless an officer's record specifically notes that he/she is not a U.S. citizen, it can be accepted that an officer is a U.S. citizen. Enlistees are also required to submit documentation verifying U.S. citizenship status during enlistment processing. The documents sighted are listed and attested to by a recruiting official on the DD 1966, Application for Enlistment - Armed Forces of the United States.

3. The Immigration Reform and Control Act of 1986 requires personnel offices to verify U.S. citizenship for newly hired government civilian employees. Any employee hired subsequent to implementation of this act is required to provide acceptable proof of U.S. citizenship to the personnel office before appointment can be effected. Previously hired employees were not required to submit proof of U.S. citizenship. The document

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utilized by personnel offices as certification to indicate that acceptable proof of U.S. citizenship was cited, may be used as acceptable proof of U.S. citizenship for security clearance purposes, provided the proof of U.S. citizenship is one of the documents listed in paragraph 5 below.

4. The requirement to verify U.S. citizenship for first-time candidates and candidates for clearance at a higher level than currently held is satisfied under the following conditions:

a. A valid Background Investigation (BI) or Special Background Investigation (SBI) completed before 1 September 1979, provided U.S. citizenship was proven at that time; or

b. The record of an officer in the Navy or Marine Corps does not contain evidence of non-U.S. citizenship; or

c. The service record contains a DD 1966 with certification that the documents verifying U.S. citizenship have been sighted; or, for enlisted members, a NAVPERS 1070/601 (Immediate Reenlistment Contract) reflecting that the documentation of U.S. citizenship has been sighted; or

d. When none of these conditions applies, the documentation listed in paragraph 5 below must be sighted.

5. The documentation required to prove U.S. citizenship is generally the same as that required for U.S. passport purposes:

a. If the individual was born in the United States, a birth certificate with a raised seal is valid proof of citizenship. Certification in the form officially issued and certified by the state or county agency is acceptable, provided it shows the birth record was filed shortly after birth and it bears the registrar's signature.

(1) A delayed birth certificate (a record filed more than 1 year after the date of birth) is acceptable, if it shows that the report of birth was supported by secondary evidence as described in paragraph (4) below.

(2) Verification of Birth (DD 372), on which the birth data listed is verified by the registrar, is acceptable for military members.

(3) A hospital birth certificate is acceptable if all of the vital information is given and it has an authenticating or

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raised seal or signature. This excludes acceptance of birth certification from commercial birth centers or clinics.

(4) If none of these primary forms of evidence is obtainable, a notice from the registrar that no birth record exists should be submitted. The registrar's notice must be accompanied by the best combination of secondary evidence obtainable. Secondary evidence includes: a baptismal certificate; a certificate of circumcision; affidavits of persons having personal knowledge of the facts of the birth; or other documents such as early census, school or family bible records, newspaper files and insurance papers. The secondary evidence should have been created as close to the time of birth as possible.

(5) All documents submitted as evidence of birth in the United States must be original documents or certified copies. Uncertified copies are not acceptable.

b. If citizenship was acquired by birth abroad to a U.S. citizen parent, a Certificate of Citizenship issued by the Immigration and Naturalization Service; a Report of Birth Abroad of a Citizen of the United States of America (Form FS 240); or a Certification of Birth (Forms FS 545 or DS 1350) issued by a U.S. consulate or the Department of State is acceptable documentation. For personnel born in the Panama Canal Zone, a certificate of birth issued by the Canal Zone Government indicating U.S. citizenship and verified with the Canal Zone Commission is acceptable. Requests for verification of birth in the Panama Canal Zone should be addressed to: Vital Statistics Unit, Administrative Services Division, Panama Canal Commission, APO 34011.

c. In cases of U.S. citizenship by naturalization, a Certificate of Naturalization is required. A Certificate of Citizenship is required if the individual claims to have derived U.S. citizenship through the naturalization of the parent(s). If the individual does not have a Certificate of Citizenship, the Certificate of Naturalization of the parent(s) may be accepted if the naturalization occurred while the individual was under 18 years of age (or under 16 years of age before 5 Oct 1978) and residing permanently in the U.S. Certificates must be originals.

d. A U.S. passport issued to the individual or one in which the individual was included.

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LIMITATIONS ON NON-U.S. CITIZENS

1. "Non-U.S. citizens" include foreign nationals and immigrant aliens. Foreign nationals are individuals who are not U.S. citizens or U.S. nationals. Immigrant aliens are foreign nationals who are lawfully admitted to the U.S. for permanent residence.

2. Foreign Representatives are usually non-U.S. citizens (such as exchange officers, foreign scientists, and foreign students) who are employed by or otherwise affiliated with a foreign government. Foreign representatives are governed by foreign disclosure policies and procedures in SECNAVINST 5510.34, Manual for the Disclosure of Department of the Navy Military Information to Foreign Governments and International Organizations, 4 Nov 93 (NOTAL).

3. Under no circumstances will non-U.S. citizens be eligible for access to SCI, SIOP-ESI, CNWDI, NNPI, COMSEC keying material, cryptologic information, intelligence information (unless authorized by the originator), or any special access program information. Non-U.S. citizens are not eligible for access to Top Secret information, Presidential Support Duties or the Nuclear Weapon Personnel Reliability Program (PRP).

4. Enlisted non-U.S. citizens may not enter ratings or military occupation specialties (MOS) which require access to classified information. In the interests of fairness, each non-U.S. citizen entering the Navy or Marine Corps will be advised of these DON security policies affecting assignments, security clearance and access to classified information.

5. Under Executive Order 11935, a non-U.S. citizen cannot be appointed to a civilian position in the federal competitive service without approval from the Office of Personnel Management (OPM) on a case by case basis. OPM's approval of employment is not to be construed as a personnel security determination, authorizing assignment to sensitive duties or access to classified information. See paragraph 5-7 for processing non-U.S. citizens in sensitive positions.

6. Eligibility for clearance of persons who claim both U.S. and foreign citizenship will be determined by application of the adjudication policy on dual citizenship under "Foreign Preference," (see appendix G).